

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED

17 OCT 31 AM 9:56

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY AD CLERK

**CHARLENE ANDREA TISDALE,
Plaintiff,**

-vs-

Case No. A-17-CA-810-SS

**KAUFMAN AND BROAD MORTGAGE
COMPANY; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; JPMORGAN
CHASE BANK; WELLS FARGO BANK, N.A.;
and HUSSAM AL LEHEIBAT,
Defendants.**

ORDER

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically plaintiff Charlene Andrea Tisdale's "Motion for New Trial" [#25 filed October 16, 2017]; the "Defendant Hussam Al Lebeibat's Response in Opposition" [#31 filed October 15, 2017]; "Defendants Wells Fargo Bank, N.A. and Mortgage Electronic Registration Systems, Inc.'s Response" [#28 filed October 18, 2017]; and "Plaintiff's Response to Defendants Wells Fargo, N.A. and Mortgage Electronic Registration Systems, Inc." [#32 filed October 26, 2017] and, thereafter, enters the following:

Plaintiff Tisdale's Motion for New Trial is construed as a motion to alter or amend judgment under Rule 59(e) of the Federal Rules of Civil Procedure, as there was no trial in this case. In the plaintiff Tisdale's Motion for New Trial, the contents merely rehash contentions which have been concluded by the prior orders of this Court. These contentions in no way alter the Court's opinion and judgment of October 3, 2017 where the claims were dismissed with prejudice. The Court clearly

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has jurisdiction under the allegations of “federal question” and jurisdiction is not destroyed by the presence of the defendant Hussam Al Leheibat. Although the plaintiff’s motion and response again make the same contentions made prior to the entry of the order of dismissal with prejudice, nothing in the motion nor response can or should be fatal to the final order in this case entered on October 3, 2017.

IT IS THEREFORE ORDERED that the Motion for New Trial, construed as a motion to alter or amend the judgment under Rule 59(e) of the Federal Rules of Civil Procedure, is DENIED.

SIGNED this the 30th day of October 2017.


UNITED STATES DISTRICT JUDGE